

DIAA Board of Directors' Meeting Minutes  
Thursday, October 8, 2015 – 9:00 a.m.  
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:00 a.m. by Chairperson Terre Taylor.

B. Roll Call

The following DIAA Board members were present: Terre Taylor, Curtis Bedford, Susanne Williams, Dr. Robert Walter, Ted Laws, Craig Eliassen, Gary Cimaglia, Dr. Bradley Layfield, Robert Cilento, Mike Hart, Dr. Kevin Fitzgerald, Mike Breeding, Ron Eby, Karen Field Rogers and Leroy Mann. Kevin Charles, Executive Director, Kathleen Geiszler, Deputy Attorney General, DIAA staff Thomas Neubauer and Tina Bates were also in attendance. Evelyn Edney, Susan Coffing, and Dr. Mark Holodick were unable to attend.

There was a moment of silence in memory of Kathleen Wilbur a former Board member that passed away on October 4, 2015.

C. Approval of Agenda

Ms. Taylor advised the Board that Item III. I. was being added to the agenda. Mr. Eliassen made a motion to approve the agenda with amendment. The motion was seconded by Mr. Hart and carried unanimously.

D. Approval of Minutes of DIAA September 10, 2015 Board Meeting

Mr. Laws made a motion to approve the minutes of the September 10, 2015 Board meeting. The motion was seconded by Dr. Fitzgerald and carried unanimously.

E. DIAA Financial Report

Mr. Charles reported that the revenue for FY16 was \$118,600. Revenue for the month of September was \$62,037 which mostly included member dues, sports fees, and corporate sponsorships. Mr. Charles then reported that the expenses for the FY16 were \$288,000. Expenses for the month of September were \$64,563 which included expenses for awards, salary and OEC's, and officials registrations. Mr. Charles stated that we are in the red at this time which is normal. Dr. Layfield made a motion to approve the financial report. The motion was seconded by Mr. Hart and carried unanimously.

II. Public Comment

None

III. A. Approval of Tournament Sanctions

Mr. Charles reported that he received 19 requests for sanctioning. Mr. Charles reported that the 19 events included 1 field hockey, 10 cross country, 1 volleyball, 1 basketball, 4 wrestling, 1 baseball, and 1 softball. Mr. Charles stated that to the best of his knowledge they were in compliance with DIAA and NFHS regulations. Mr. Eby made a motion to approve the 19 sanction events. The motion was seconded by Mr. Eliassen and carried unanimously.

C. Request to Waive 1009.2.4 by Wilmington Christian for DIAA 2015-10-7

Student, Student's mother, and grandfather were in attendance to present this request. Student's grandfather requested a closed hearing. Ms. Taylor recused herself from this hearing. Dr. Fitzgerald made a motion to go into executive session at the grandfather's request for the purposes of protecting the privacy of the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Cimaglia and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor explained that DIAA is a 20 member Board and has 19 voting members. Ms. Taylor further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Taylor explained that there was less than a full Board present and there were only 12 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Mr. Hart made a motion to go into deliberation. The motion was seconded by Mr. Cilento and carried unanimously. Dr. Layfield made a motion to come out of deliberation. The motion was seconded by Mr. Cilento and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Mr. Mann and carried unanimously.

Mr. Cimaglia made a motion to approve Student's request based on the evidence presented that the receiving schools special programs were specifically designed to meet student's needs. The motion was seconded by Mr. Laws and carried by a vote of 12 – yes (Bedford, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Eby, and Mann) and 0 – no.

B. Request to Waive 1009.2.4 by Concord HS for DIAA 2015-10-6

Student and Student's mother were in attendance to present this request. Student's mother requested a closed hearing. Dr. Layfield made a motion to go

into executive session at the mother's request for the purposes of protecting the privacy of the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Cilento and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor explained that DIAA is a 20 member Board and has 19 voting members. Ms. Taylor further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Taylor explained that there was less than a full Board present and there were only 14 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Dr. Fitzgerald made a motion to go into deliberation. The motion was seconded by Dr. Walter and carried unanimously. Mr. Laws made a motion to come out of deliberation. The motion was seconded by Mr. Hart and carried unanimously. Mr. Cimaglia made a motion to come out of executive session. The motion was seconded by Mr. Cilento and carried unanimously.

Dr. Fitzgerald made a motion to approve Student's request based on the evidence presented met the burden of establishing a hardship and the information provided regarding bullying were beyond the control of the student, family, and school. The motion was seconded by Mr. Hart and carried by a vote of 14 – yes (Taylor, Bedford, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Eby, Walter, and Mann) and 0 – no.

#### D. Interim Waivers by the Executive Director

##### 1. 1009.2.4 by A. I. duPont HS for DIAA-2015-10-1

Ms. Taylor advised that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file. Dr. Layfield made a motion to go into executive session at the parent's request for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Hart and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor explained that this request is being conducted under a modified hearing process and that the student's parents sent in a signed consent in order to proceed under these modified procedures and also requested a closed proceeding. Ms. Taylor advised that a full hearing is

scheduled for the November 12, 2015 meeting should it be necessary. Ms. Taylor explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second regarding the mandatory appearance provision to allow the student and parent not to appear today. Ms. Taylor further explained that Mr. Charles granted the interim waivers and modified the procedures in an attempt to accommodate the waiver requests for fall athletics while predicting that the other items on the agenda would take up considerable time. It was confirmed for the record that Mr. Charles remained under oath from past proceedings today. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Dr. Fitzgerald made a motion to go into deliberations. The motion was seconded by Mr. Bedford and carried unanimously. Mr. Eliassen made a motion to come out of deliberations. The motion was seconded by Mr. Cilento and carried unanimously. Dr. Walter made a motion to come out of executive session. The motion was seconded by Mr. Cimaglia and carried unanimously.

Dr. Fitzgerald made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver. The evidence presented by the Student met the burden of establishing a hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Mr. Breeding and carried by a vote of 14 – yes (Taylor, Bedford, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Eby, Walter, and Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for November 12, 2015 is no longer necessary and is cancelled.

2. 1009.2.4 by A. I. duPont HS for DIAA-2015-10-2

Ms. Taylor advised that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Hart made a motion to go into executive session at the parent's request for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Eby and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor explained that this request is being conducted under a modified hearing process and that the student's parents sent in a signed consent in order to proceed under these modified procedures and also requested a closed proceeding. Ms. Taylor advised that a full hearing is scheduled for the November 12, 2015 meeting should it be necessary. Ms.

Taylor explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second regarding the mandatory appearance provision to allow the student and parent not to appear today. Ms. Taylor further explained that Mr. Charles granted the interim waivers and modified the procedures in an attempt to accommodate the waiver requests for fall athletics while predicting that the other items on the agenda would take up considerable time. It was confirmed for the record that Mr. Charles remained under oath from past proceedings today. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Dr. Layfield made a motion to go into deliberations. The motion was seconded by Dr. Walter and carried unanimously. Dr. Walter made a motion to come out of deliberations. The motion was seconded by Mr. Cimaglia and carried unanimously. Mr. Cilento made a motion to come out of executive session. The motion was seconded by Ms. Williams and carried unanimously.

Dr. Layfield made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver. The evidence presented by the Student met the burden of establishing a financial hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Mr. Eliassen and carried by a vote of 14 – yes (Taylor, Bedford, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Eby, Walter, and Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for November 12, 2015 is no longer necessary and is cancelled.

III. I Request to Waive 1009.2.4 by William Penn HS for DIAA 2015-10-8

Student, Student's mother, and Sebrina Perialas, athletic director at William Penn High School were in attendance to present this request. Student's mother requested a closed hearing. Dr. Layfield made a motion to go into executive session at the mother's request for the purposes of protecting the privacy of the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Cimaglia and carried unanimously. Mr. Laws recused himself from this hearing.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor explained that DIAA is a 20 member Board and has 19 voting members. Ms. Taylor further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Taylor explained that there was less than a full Board present and there were only 14 voting members present and participating to consider the matter. The parties confirmed that they

understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Mr. Hart made a motion to go into deliberation. The motion was seconded by Mr. Bedford and carried unanimously. Mr. Hart made a motion to come out of deliberation. The motion was seconded by Mr. Mann and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Mr. Breeding and carried unanimously.

Mr. Cimaglia made a motion to approve Student's request based on the evidence presented by the Student met the burden of establishing an academic hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Mr. Breeding and carried by a vote of 12 – yes (Taylor, Bedford, Williams, Eliassen, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Walter, and Mann) and 1 – no (Eby).

The Board recessed for lunch at 11:30 a.m. and reconvened at 11:45 a.m.

3. 1009.2.4 by Christiana HS for DIAA-2015-10-3

Ms. Taylor advised that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Cilento made a motion to go into executive session at the parent's request for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Mann and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor explained that this request is being conducted under a modified hearing process and that the student's parents sent in a signed consent in order to proceed under these modified procedures and also requested a closed proceeding. Ms. Taylor advised that a full hearing is scheduled for the November 12, 2015 meeting should it be necessary. Ms. Taylor explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second regarding the mandatory appearance provision to allow the student and parent not to appear today. Ms. Taylor further explained that Mr. Charles granted the interim waivers and modified the procedures in an attempt to accommodate the waiver requests for fall athletics while predicting that the other items on the agenda would take up considerable time. It was confirmed for the record that Mr. Charles remained under oath from past proceedings today. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations

were held.

Mr. Cilento made a motion to go into deliberations. The motion was seconded by Mr. Hart and carried unanimously. Dr. Walter made a motion to come out of deliberations. The motion was seconded by Mr. Cilento and carried unanimously. Mr. Eby made a motion to come out of executive session. The motion was seconded by Mr. Cilento and carried unanimously.

Mr. Cilento made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver. The evidence presented by the Student met the burden of establishing a financial hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Mr. Hart and carried by a vote of 13 – yes (Taylor, Bedford, Williams, Eliassen, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Eby, Walter, and Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for November 12, 2015 is no longer necessary and is cancelled.

4. 1009.2.7 by Laurel HS for DIAA-2015-10-4

Ms. Taylor advised that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Cilento made a motion to go into executive session at the parent's request for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Mann and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor explained that this request is being conducted under a modified hearing process and that the student's parents sent in a signed consent in order to proceed under these modified procedures and also requested a closed proceeding. Ms. Taylor advised that a full hearing is scheduled for the November 12, 2015 meeting should it be necessary. Ms. Taylor explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second regarding the mandatory appearance provision to allow the student and parent not to appear today. Ms. Taylor further explained that Mr. Charles granted the interim waivers and modified the procedures in an attempt to accommodate the waiver requests for fall athletics while predicting that the other items on the agenda would take up considerable time. It was confirmed for the record that Mr. Charles remained under oath from past proceedings today. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Mr. Cimaglia made a motion to go into deliberations. The motion was seconded by Ms. Williams and carried unanimously. Mr. Cilento made a motion to come out of deliberations. The motion was seconded by Mr. Eliassen and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Mr. Hart and carried unanimously.

Dr. Layfield made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver. The evidence presented by the Student met the burden of establishing an academic hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Mr. Hart and carried by a vote of 13 – yes (Taylor, Bedford, Williams, Eliassen, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Eby, Walter, and Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for November 12, 2015 is no longer necessary and is cancelled.

5. 1009.2.4 by St. Elizabeth HS for DIAA-2015-10-5

Ms. Taylor advised that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Mann made a motion to go into executive session at the parent's request for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Eby and carried unanimously. Dr. Walter recused himself from this hearing.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor explained that this request is being conducted under a modified hearing process and that the student's parents sent in a signed consent in order to proceed under these modified procedures and also requested a closed proceeding. Ms. Taylor advised that a full hearing is scheduled for the November 12, 2015 meeting should it be necessary. Ms. Taylor explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second regarding the mandatory appearance provision to allow the student and parent not to appear today. Ms. Taylor further explained that Mr. Charles granted the interim waivers and modified the procedures in an attempt to accommodate the waiver requests for fall athletics while predicting that the other items on the agenda would take up considerable time. It was confirmed for the record that Mr. Charles remained under oath from past proceedings today. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations

were held.

Mr. Cilento made a motion to go into deliberations. The motion was seconded by Mr. Bedford and carried unanimously. Mr. Cilento made a motion to come out of deliberations. The motion was seconded by Dr. Fitzgerald and carried unanimously. Dr. Fitzgerald made a motion to come out of executive session. The motion was seconded by Mr. Hart and carried unanimously.

Mr. Cilento made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver. The evidence presented by the Student met the burden of establishing a financial hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Mr. Hart and carried by a vote of 12 – yes (Taylor, Bedford, Williams, Eliassen, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Eby, and Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for November 12, 2015 is no longer necessary and is cancelled.

### III. E. DAAD Grant Request

Mr. Charles explained that this was the third annual request to DIAA to help fund the professional development of athletic directors in Delaware. Mr. Charles stated that this grant would help provide services, workshops, materials, and support for all athletic directors in Delaware. Mr. Charles explained that this would enhance athletic directors knowledge; improve compliance with the DIAA rules and regulations, it would offer necessary instruction to attain the higher levels of certifications offered by the NIAAA; present a path of professional development for a veteran athletic director to be able to attain CMAA status, and would provide schools with a better trained athletic director. Mr. Charles stated that the total grant request is \$17,000.00 and that DIAA would retain \$8,500 to pay for NIAAA courses for athletic directors and the other \$8,500 would go to DAAD to pay for instructors consistent to what has been done in the past.

Mr. Hart, president of the DAAD Board thanked DIAA for the help in the past and explained that their goal is to become self-sufficient within three years.

Dr. Layfield made a motion to approve the request. The motion was seconded by Dr. Fitzgerald and carried by a vote of 11 – yes (Taylor, Bedford, Williams, Eliassen, Cimaglia, Layfield, Fitzgerald, Breeding, Eby, Walter, and Mann) and 2 abstentions (Hart and Cilento).

### F. Request for Membership by Great Oaks Charter School

Mr. Charles reported that Great Oaks Charter School was requesting

membership to DIAA. Mr. Charles explained that the school offers 6<sup>th</sup> grade but plans to be a 6 through 12 school. Mr. Charles further explained that the school plans to offer boys and girls basketball and add other sports at a later date.

Dr. Layfield made a motion to approve the request. The motion was seconded by Mr. Eliassen and carried unanimously.

G. Request to Waive 1008.4.1.2 for Brandywine and Colonial MS Wrestling

Mr. Charles explained that this is an annual request that gives better utilization of the schools gyms. Mr. Charles stated that the schools are requesting to conduct their wrestling season from October 1, 2015 through December 22, 2015.

Mr. Hart made a motion to approve the request. The motion was seconded by Mr. Eby and carried unanimously.

H. Henlopen Volleyball Scheduling Violation

Mr. Charles explained that the Henlopen Conference had 11 instances where the schools scheduled a 3<sup>rd</sup> volleyball match during the period Monday through Thursday. Mr. Charles explained that DIAA regulations permit three matches per week but the 3<sup>rd</sup> must be on a Friday, Saturday, or Sunday. Mr. Charles stated that this violates DIAA regulations and the penalty is forfeiture of the 3<sup>rd</sup> match and a \$250 fine. Mr. Cilento explained that because the situation was discovered early only two schools actually exceeded the weekly limit and subject to penalty.

Ms. Taylor expressed concerns that the rule is being ignored.

Dr. Fitzgerald made a motion to assess a \$250.00 fine to the teams that violated DIAA rules and waive the requirement to forfeit matches. In addition DIAA is to refer the issue back to the conferences requesting feedback on the rule and suggestions for potential amendments. The motion was seconded by Mr. Eliassen and carried by a vote of 11 – yes (Taylor, Bedford, Williams, Mann, Eby, Hart, Breeding, Walter, Fitzgerald, Layfield, and Eliassen), 0 – no, and 1 – abstention (Cilento).

V. Other

IV. Executive Director Report

A. Legal

Ms. Geiszler reported that she had nothing to report at this time.

B. Update on Regulations

Mr. Charles reported that the regulations will be going to the State Board of Education next week for final consideration.

C. Multi-year Participation Data Report

Mr. Charles shared with the Board a report created by the DIAA contract employee Brittany Blacksten on boys and girls participation for the last six years.

D. Report on Fall DAAD Meeting

Mr. Hart reported on the DAAD statewide meeting held on Wednesday, October 7, 2015. The meeting was very well attended. The agenda included reports on DIAA regulation revisions; realignment committee work; three NIAAA LTC courses and the annual awards dinner.

E. Officials Committee Report

Mr. Neubauer reported that the last Officials Committee meeting went very well and that there is now an agreement with officials.

V. Other

Mr. Cimaglia commented on the Unified Flag Football pilot program being held at Middletown High School on October 24<sup>th</sup>. This is a joint effort by DIAA and Special Olympics Delaware. If successful DIAA will now have Unified Sports in two programs and two sports seasons.

VI. Public Comment

None.

VII. Adjournment

Mr. Eliassen made a motion to adjourn at 1:00 p.m. The motion was seconded by Dr. Layfield and carried unanimously.

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Tina Bates